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अण्डमान तथा निकोबार प्र' ासन
ANDAMAN AND NICOBAR ADMINISTRATION
समाज कल्याण निदे' ालय
DIRECTORATE OF SOCIAL WELFARE

NOTIFICATION

Port Blair, dated the 10th December, 2013.

No. 259/2013/F.No. 4-99/DSW/C-SCPCR/2013.— In exercise of powers conferred under Section 36 of the Commissions for the Protection of Child Rights Act, 2005 (No. 4 of 2006) read with Notification No. 11030/1/2007-UTL dated 7/8/2013 issued by the Government of India, Ministry of Home Affairs, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby makes the following Rules, namely :

- Short title, extent and commencement** :- (i) These rules may be called the Andaman & Nicobar U.T. Commission (Protection of Child Rights) Rules, 2013.
(ii) These Rules shall come into force on the date of its publication in the Official Gazette.
- Definitions** :- In these Rules, unless the context otherwise requires,—
 - “Act” means the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).
 - “Child” means a person between 0-18 years of Age.
 - “Commission” means the Andaman & Nicobar U.T. Commission *for* Protection of Child Rights constituted under Section 17 of the Act.
 - “State Government” means the Lieutenant Governor of the Andaman & Nicobar Islands appointed by the President of India.
 - “Chairperson” means the Chairperson *of* the Andaman & Nicobar U.T. Commission *for* Protection of Child Rights.
 - “Member” means the Member of the Andaman & Nicobar U.T. Commission *for* Protection of Child Rights.
 - “Member Secretary” means the Member Secretary of the Andaman & Nicobar U.T. Commission *for* Protection of Child Rights.
 - “Section” means a Section of the Act.
 - Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.
- Constitution of U.T. Commission for Protection of Child Rights** :- (1) The Andaman & Nicobar U.T. Administration may constitute a body to be known as the Andaman & Nicobar U.T. Commission for Protection of Child Rights to exercise the powers conferred upon, and to perform functions assigned to by the A & N Administration.

(2) The U.T. Commission shall consist of the following members namely :-

- (a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and,
- (b) Three Members, out of which atleast one shall be women, from the following fields to be appointed by Andaman & Nicobar Administration from amongst persons of eminence, ability, integrity, standing and experience in,
 - (i) education;
 - (ii) child health, care, welfare or child development;
 - (iii) juvenile justice or care of neglected or marginalized children or children with disabilities;
 - (iv) elimination of child labour or children in distress;
 - (v) child psychology or sociology; and
 - (vi) laws relating to children.

The office of the Andaman & Nicobar U.T. Commission for Protection of Child Rights shall be at Port Blair.

4. **Appointment of Chairperson and other Members** :- The U.T. Administration on behalf of the Lieutenant Governor, Andaman and Nicobar Islands shall, by Notification, appoint the Chairperson and the Members :

Provided that the Chairperson shall be appointed on the recommendation of a three Member Selection Committee constituted by the U.T. Administration.

5. **Selection Committee** :- The Lieutenant Governor, Andaman and Nicobar Islands shall constitute a Selection Committee referred to in the provision of Section 18 of the Act for recommending the appointment of Chairperson of the Commission. The selection committee shall be headed by the Chief Secretary, A & N Administration. The other members being :-

- (i) Secretary (Social Welfare), A & N Administration.
- (ii) Director (Social Welfare), A & N Administration (Secretary).

6. **Eligibility for appointment as Chairperson and other Members** :

- (a) A person of eminence who has done outstanding work for promoting the welfare of children.
- (b) A person of eminence, ability, integrity, standing and experience in education, child health, care, welfare or child development, child psychology, laws relating to children.

No person having any past record of violation of human rights or child rights shall be eligible for appointment as Chairman or other members of the Commission.

7. **Secretary** : The Secretary appointed by the A & N Administration under Sub Section (1) of Section 21 shall have a minimum tenure of 3 years.

8. **Powers and Duties of the Secretary** : (1) The Secretary shall —

- (i) Have power to execute all decisions taken by the Commission in order to carryout the powers and functions of the Commission;
- (ii) Exercise and discharge such powers and perform such duties as are required for the proper administration of the affairs of the Commission and its day to day management;
- (iii) Convene the meetings of the Commission in consultation with its Chairperson and serve notices of the meetings to all concerned;
- (iv) Take steps to ensure that the quorum required for convening a meeting of the Commission is secured;
- (v) Prepare in consultation with the Chairperson, the agenda for each meeting of the Commission and have notes prepared by the Secretariat and such notes shall, as far as possible, be self-contained;
- (vi) Make available specific records covering the agenda items to the Commission for reference;

- (vii) Ensure that the agenda papers are circulated to the members atleast two clear working days in advance of the meeting, except in cases when urgent attention is required;
- (viii) Prepare the minutes of the meetings of the Commission and shall execute the decisions of the Commission taken in the meeting and shall also ensure placing of the Action Taken Note of the decisions of the Commission before the Commission in its subsequent meetings;
- (ix) Ensure that the procedure of the Commission is followed by it in transaction of its business;
- (x) Take up all such matters with the Department of Social Welfare of the Andaman & Nicobar Administration for release of grants, creation of posts, revision of scales, hiring of vehicles, appointment of staff, laying of annual and audit report before the Lieutenant Governor, Andaman & Nicobar Islands. re-appropriation of funds;
- (xi) Exercise such financial powers as are delegated to him by the Chairperson on behalf of the Commission:

Provided that no expenditure on an item exceeding one lakh rupees shall be incurred without the sanction of the Chairperson;

- (xii) Be the appointing and disciplinary authority in respect of Officers and other employees of the Commission.

9. Terms and Conditions of service of Chairperson and other Members : (1) The Chairperson shall unless removed from office, hold office for a period not exceeding three years, or till the age of sixty -five years, whichever is earlier.

(2) Every Member shall, unless removed from office hold, office for a period not exceeding three years, or till the age of sixty five years, whichever is earlier.

(3) Notwithstanding anything contained in sub- rule (1) or sub- rule (2).

- (a) a person who has held the office of the Chairperson shall be eligible for re-nomination, and
- (b) a person who has held the office of a Member shall be eligible for re-nomination as a member or nomination as a Chairperson:

Provided that a person who has held an office of Chairperson or member for two terms, in any capacity, shall not be eligible for re-nomination as Chairperson or, as the case may be, as Member.

(4) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the Andaman & Nicobar Administration shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the Chairperson resumes office or till the remainder of his term.

(5) The Chairperson or a Member may, by writing under his hand addressed to the Lieutenant Governor, Andaman & Nicobar Administration, resign his office at any time.

(6) A vacancy caused by death, resignation or any other reasons shall be filled-up by nomination within ninety days from the date of occurrence of such vacancy.

10. Salaries and Allowances : (1) In case of retired Govt. Servants, the pay will be fixed as last pay drawn minus pension. In case of public figures, the amount will be Rs. 25,000/- p.m. consolidated for the Chairperson and Rs.20,000/- p.m. consolidated for each member.

(2) The salary and allowances payable to , and the other terms and conditions of service of the Secretary and the other Officers and other employees appointed for the purpose of the Commission shall be such as may be determined by the Andaman & Nicobar Administration from time to time.

(3) If the Chairperson or a Member is in service of the Andaman & Nicobar Administration his salary shall be regulated in accordance with the rules applicable to him.

11. Dearness Allowance: The Chairperson and every other Members, if they are Govt. Servants or retired Govt. Servants shall receive dearness allowance appropriate to their pay at the rates admissible to officers of the equivalent level of the Andaman & Nicobar Administration.

12. **Leave** : The Chairperson and every other Members shall be entitled to leave as follows:-

- (a) Earned Leave, Half Pay Leave and Commuted Leave as admissible to Government Servants of Andaman & Nicobar Administration in accordance with the Central Civil Services (Leave) Rules, 1972, as amended from time to time.
- (b) Extraordinary leave as admissible to the Government Servants of Andaman & Nicobar Administration under the Central Civil Services(Leave) Rules, 1972, as amended from time to time.

13. **Leave Sanctioning Authority** : (1) The Chief Secretary, Andaman & Nicobar Administration shall be the authority competent to sanction leave to the Chairperson.

(2) The Chairperson shall be the authority to sanction leave to every Member including the Secretary.

(3) The Secretary shall be the authority to sanction leave to any Officer or other employee of the Commission.

14. **Traveling Allowance** : (1) The Chairperson and every other Members (if the chairperson / members are serving / retired Govt. Servant) shall be entitled to draw traveling allowance and daily allowance at the rates appropriate to their pay admissible to equivalent post to the Andaman & Nicobar Administration. (2) The Chairperson and every other Member shall be his own controlling Officer in respect of his bills relating to traveling allowances and daily allowances. If the Chairperson / Members happen to be public figures, they shall be entitled traveling allowance @ 8000/- p.m. (Rupees Eight thousand per month).

15. **Residential Accommodation** : (1) The Chairperson and every other Members shall be entitled to the use of an official residence as may be determined by the Andaman & Nicobar Administration.

(2) If the Chairperson or a Member is not provided with or does not avail himself of the accommodation provided under sub-rule (1). He shall be paid every month house rent allowance at the rates admissible to Officers of an equivalent rank in the Andaman & Nicobar Administration.

16. **Facility for Conveyance** : The Chairperson and every other Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government of India, as amended from time to time.

17. **Facility for Medical Treatment** : The Chairperson and every other Member shall be entitled to medical treatment and hospital facilities as applicable to Central Government Servants of equivalent rank as provided to the Govt. Employee of this UT and Governed by the Central Service (Medical Attendance) 1944 rules or as may be determined by the Andaman & Nicobar Administration.

18. **Residuary Provisions** : The conditions of service of the Chairperson and the other Members for which no express provision has been made in these rules be such as may be determined by the Central Government.

19. **Secretary, Officers and other Employees of the UT Commission** : (1) The UT Administration shall, by Notification, appoint an officer not below the rank of Secretary as the Secretary of the State Commission and shall make available to the UT Commission such officers and employee as may be necessary for the efficient performance of its function.

(2) The Member Secretary shall be responsible for the proper Administration of the affairs of the Commission and its day to day management and shall exercise and discharge such other powers and perform such other duty as may be prescribed by the Andaman & Nicobar Administration.

(3) The salary and allowance payable to and the other terms and conditions of service of the Member Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed by the Andaman & Nicobar Administration.

20. **Salaries and Allowances to be paid out of grants** : The salaries and allowances payable to the Chairperson and Members and the Administrative expenses, including salaries, allowances and pensions payable to the Chairperson and Members referred to in Section 10, shall be paid out of the grants referred to in Sub-Section (1) of Section 22.

21. **Grants by Andaman & Nicobar Administration** : (1) The Andaman & Nicobar Administration shall, after due appropriation pay to the Andaman & Nicobar UT Commission for protection of Child Rights by way of Grants such sums of money as the Andaman & Nicobar Administration may think fit for being utilized for the purpose of this Act.

(2) The Andaman & Nicobar UT Commission for Protection of Child Rights may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in Sub-Section (1).

22. Functions of the Commission : (1) The Commission shall, perform all or any of the following functions, namely :-

- (a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective Implementation.
- (b) Present to the Andaman & Nicobar Administration annually and at such other intervals as the Commission may deem fit, reports upon the working of those safeguards.
- (c) Inquire into violation of child rights and recommend initiation of proceedings in such case,
- (d) Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV / AIDS, trafficking, maltreatment, torture & exploitation, pornography and prostitution and recommend appropriate remedial measures.
- (e) Look into the matters relating to children in need of special care & protection including children in distress, marginalized and disadvantaged children, children in conflict with, law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures.
- (f) Undertake periodical review of existing policies, programs and other activities on child rights and make recommendations for their effective implementation in the best interest of children.
- (g) Undertake and promote research in the field of Child Rights.
- (h) Spread Child Rights Literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means,
- (i) Inspect or cause to be inspected any juvenile custodial home, or any other places of residence or institution meant for children, under the control of the A & N Administration or any other authority including any institution run by a social organization, where children are detained or lodged for the purpose" of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.
- (j) Inquire into complaints and take suo motu notice of matters relating to :-
 - (i) Deprivation and violation of Child Rights.
 - (ii) Non implementation of laws providing for practice and development of children.
 - (iii) Non compliance of policy decision, guidelines or instructions aimed at mitigating hardships and ensuring welfare of the children and to provide relief to such children or to take up the issues arising out of such matters with appropriate authorities.
- (k) Analyze existing law, policy and practice to assess compliance with Convention on the Rights of the Child undertake inquiries and produce reports on any aspect of policy or practice affecting children and comment on proposed new legislation from a child rights perspective.
- (l) Present to the Andaman & Nicobar Administration, annually and at such other intervals, as the commission may deem fit. Reports upon the working of those safeguards.
- (m) Undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf.
- (n) Ensure that the work of the Commission is directly informed by the views of children in order to reflect their priorities and perspectives.
- (o) Promote, respects and serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with child.

- (p) Produce and disseminate information about child rights;
- (q) Compile and analyze data on children;
- (r) Promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children;

(2) The commission shall not inquire into any matter which is pending before the National Commission or any other State Commission constituted under any law for the time being in force.

23. Procedure for Transaction of Business: (1) The Commission shall meet regularly at its office at Port Blair at such time as the Chairperson thinks fit, but three months shall not intervene between its last meeting and the next meeting.

(2) The Commission shall ordinarily hold its meetings in its office located in Port Blair but may, in its discretion, hold its meetings at any other places in the Islands, if it considers necessary or expedient to do so.

(3) **Secretariat Assistance:** The Secretary, alongwith such Officers as the Chairperson may direct, shall attend the meetings of the Commission.

- (a) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretariat and such notes shall, as far as possible, be self-contained;
- (b) Specific files/ records covering the agenda items shall be made readily available to the commission for reference.
- (c) The agenda papers shall ordinarily be circulated to members at least two clear working days in advance of the meeting, except in cases when urgent attention is required.
- (d) Four members including the Chairperson shall form the quorum at every meeting of the Commission.
- (e) All decisions of the Commission at its meetings shall be taken by majority. Provided that in the case of equality of votes, the Chairperson, or in his absence the person presiding shall have and exercise a second or a casting vote.
- (f) If, for any reason, the Chairperson is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting shall preside.

24. Minutes of the Meeting: (1) the minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any other Officers of the Commission as directed.

(2) The minutes of meeting of the Commission shall be submitted to the Chairperson for approval and upon approval be circulated to all members of the Commission at the earliest and in any case sufficiently before the commencement of the next meeting.

(3) The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of an opinion and dissenting opinions, if given, shall also form.

(3) The Andaman & Nicobar Administration shall cause the annual report and the special reports of the Commission to be laid before the Lieutenant Governor, Andaman & Nicobar Islands.

(4) The annual report shall include information on administrative and financial matters; complaints investigated/inquired into: action taken on cases: details of research; reviews: education and promotion efforts: consultations: details and specific recommendations of the Commission on any matter, besides any other matters that the Commission may consider warranting inclusion in the report.

(5) In case the Commission considers that there could be a time lag for the preparation of the annual report, it may prepare and submit a special report to the Andaman & Nicobar Administration.

(6) The forms in which the budget may be prepared and provided and forwarded to the Andaman & Nicobar Administration shall be as provided in forms I, II, III & IV of Schedule-I.

(6) The forms in which the budget may be prepared and provided and forwarded to the Andaman & Nicobar Administration shall be as provided in forms I, II, III & IV of Schedule-I.

(7) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the relevant financial year.

(8) The budget shall, as far as may be, based on the account heads specified in Schedule-II.

29. Financial Power: (1) The Commission shall spend the sums of money received by it for the purposes of the Act.

(2) The Chairperson shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the Andaman & Nicobar Administration.

(3) The Chairperson shall obtain prior approval of the Andaman & Nicobar Administration, in matters of creation of posts, revision of Pay Scales, procurement of vehicles, re-appropriation of funds from one head to another, permitting any officer of the Commission to participate in Seminars, conferences or training programmes abroad and such other matters determined by the Andaman & Nicobar Administration, by order.

(4) The Chairperson shall, subject to such conditions and limitations and control and supervision, have powers to delegate its financial powers to any Member or the Member-- Secretary:

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding one lakh rupees without prior approval of the Chairperson.

(5) The Chairperson shall have powers to engage any person or persons as consultant or consultants for a specific purpose and specific period on the terms and conditions agreed in advance relating to honorarium, traveling allowance, dearness allowance.

(6) The Secretary shall have powers to execute all decisions taken by the Chairperson or any other Members on his behalf relating to financial matters.

(7) The Secretary shall be required to obtain the prior approval of the A & N Administration for all write off sanctions.

(8) All financial powers of the Commission shall be governed by the General Financial Rules, delegation of financial powers Rules and economy instructions issued by the Ministry of Finance of the Central Government from time to time.

30. Accounts and Audit of Andaman & Nicobar U.T. Commission for Protection of Child Rights:-

(i) The Andaman & Nicobar U.T. Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation by the Finance Department of the Andaman & Nicobar Administration.

(ii) The accounts of the Andaman & Nicobar U.T. Commission shall be opened for inspection by the sanctioning authority and by the Comptroller and Auditor General of India.

(iii) The accounts of the Andaman & Nicobar U.T. Commission for Protection of Child Rights shall be audited by the Directorate of Accounts & Budget, Andaman & Nicobar Administration at such intervals as may be specified by them and any further expenditure incurred in connection with such audit shall be payable by the Commission.

(iv) The Auditors of Directorate of Accounts & Budget, Andaman & Nicobar Administration shall, have the same rights and privileges and the authority in connection with such audit as in connection with the audit of Government Accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

- (v) The accounts of the Commission as certified by the Directorate of Accounts and Budget, Andaman & Nicobar Administration or any other person appointed in this behalf, together with the audit report thereon shall be forwarded annually to the Andaman & Nicobar Administration by the Commission and the Andaman & Nicobar Administration shall cause the audit report to be laid, as soon as may be after it is received, before the Lt. Governor, Andaman & Nicobar Islands.

By order and in the name of the Lieutenant Governor,
Andaman and Nicobar Islands.

Sd./-
(Rakesh Bali)
Secretary (Social Welfare)